

# APPENDIX 16

## TO ALL SURFACE-DISTURBING ACTIVITIES

This appendix lists by alternative surface stipulations referred to throughout this draft RMP and EIS. Surface stipulations would be appended, where applicable, to land use authorizations, permits, and leases issued on BLM administered lands.

### DESCRIPTION OF SURFACE STIPULATIONS

The following Oil and Gas Leasing Stipulation Table shows resources of concern and stipulation/s including exceptions, modifications, and waiver by alternative.

Three surface stipulations could be applied to land use authorizations: (1) no surface occupancy (NSO), (2) timing limitation (TL), and (3) controlled surface use (CSU).

Areas identified, as NSO would be closed to placement of surface facilities such as oil and gas wells. NSO areas would be avoidance areas for location of public utilities and closed to new road construction.

Areas identified for TL stipulations would be closed to construction and developmental activities during the identified time frames. Timing limitation stipulation areas would be open to operational and maintenance activities, including associated vehicle travel, during the closed period unless otherwise specified in the stipulation.

Areas identified as controlled CSU would require proposals be authorized only according to the controls or constraints specified. Controls would be applicable to all surface use activities such as oil and gas development and operation, mineral material sales, and public utility location. CSU areas would be open to public utilities.

### EXCEPTIONS, MODIFICATIONS, AND WAIVERS

Surface stipulations could be excepted, modified, or waived by the authorized officer. An exception exempts the holder of the land use authorization document from the stipulation on a one-time basis. A modification changes the language or provisions of a surface stipulation, either temporarily or permanently. A waiver permanently exempts the surface stipulation. The environmental analysis document prepared for oil and gas development (i.e., APDs, sundry notices) also would need to address proposals to exempt, modify, or waive a surface stipulation. To exempt, modify, or waive a stipulation, the environmental analysis document would have to show that (1) the circumstances or relative resource values in the area had changed following issuance of the lease, (2) less restrictive requirements could be developed to protect the resource of concern, and (3) operations could be conducted without causing unacceptable impacts. The environmental analysis document would also need to determine the need for an RMP amendment.

**Oil and Gas Leasing Stipulation Table**

<b>Type of Stipulation</b>	<b>Seasonal Stipulation</b>	<b>Areas Where Stipulations Apply</b>	<b>Exception, Modification, Waiver</b>
Within VRM II areas, surface disturbing activities would comply with BLM Manual Handbook 8431-1 to retain the existing character of the landscape. The level of change to the landscape should be low. Management activities may be seen, but should not attract attention of the causal observer. Any change to the landscape must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.	Year long	Field Office Wide	<p><b>Exception:</b> Exempted are recognized utility corridors. Temporary exceedence may be allowed during initial development phases.</p> <p><b>Modification:</b> None</p> <p><b>Waiver:</b> None</p>
Mule deer and elk crucial winter range would be closed seasonally.	December 12 to April 15	Crucial and high value winter ranges within controlled surface use areas.	<p><b>Exception:</b> Upon review and monitoring, the AO may grant exceptions due to climatic and range conditions if activities will not cause undue stress to deer and elk populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climactic and range conditions.</p> <p><b>Waiver:</b> None.</p>
Mule deer and elk crucial fawning and calving areas would be closed seasonally.	May 15 to July 5	Crucial and high value fawning and calving areas within controlled surface use areas	<p><b>Exception:</b> Upon review and monitoring, the AO may grant exceptions due to climatic and range conditions if activities will not cause undue stress to deer and elk populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climactic and range conditions.</p> <p><b>Waiver:</b> None.</p>
Pronghorn antelope crucial fawning areas would be closed seasonally.	May 15 to June 15	Crucial and high value pronghorn fawning areas within controlled surface use areas	<p><b>Exception:</b> Upon review and monitoring, the AO may grant exceptions due to climatic and range conditions if activities will not cause undue stress to pronghorn antelope populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climactic and range conditions.</p> <p><b>Waiver:</b> None.</p>
Desert bighorn sheep and rocky mountain bighorn sheep crucial habitat would be closed seasonally.	April 15 to June 15	Desert bighorn sheep and rocky mountain bighorn sheep crucial and high value habitats within	<p><b>Exception:</b> Upon review and monitoring, the AO may grant exceptions due to climatic and range conditions if activities will not cause undue stress to desert bighorn sheep and rocky mountain</p>

Type of Stipulation	Seasonal Stipulation	Areas Where Stipulations Apply	Exception, Modification, Waiver
		controlled surface use areas	<p>bighorn sheep populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climactic and range conditions.</p> <p><b>Waiver:</b> None.</p>
Moose high value habitat would be closed seasonally.	December 1 to April 15	High Value moose habitat within controlled surface use areas	<p><b>Exception:</b> Upon review and monitoring, the AO may grant exceptions due to climatic and range conditions if activities will not cause undue stress to moose populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climactic and range conditions.</p> <p><b>Waiver:</b> None.</p>
Raptor crucial cliff nesting complex habitats would be closed seasonally.	February 1 to July 15	Controlled surface use areas	<p><b>Exception:</b> Upon review and monitoring, the AO may grant exceptions due to climatic and habitat conditions if activities will not cause undue stress to raptor populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climactic and range conditions.</p> <p><b>Waiver:</b> None.</p>
Known raptor nest sites would be closed seasonally.	February 1 to July 15	Known raptor nest sites within controlled surface use areas	<p><b>Exception:</b> Upon review and monitoring, the AO may grant exceptions due to climatic and range conditions if activities will not cause undue stress to raptor populations or habitats.</p> <p><b>Modification:</b> Season may be adjusted depending on climactic and habitat conditions. Distance may be adjusted if natural features provide adequate visual screening.</p> <p><b>Waiver:</b> None.</p>
Sage Grouse Leks No Surface Occupancy would be allowed within ¼ mile of identified Sage Grouse Leks.	(March 1-May-31)	Sage Grouse Leks.	<p><b>Exception:</b> The Field Manager may grant an exception if an environmental analysis determines that the action, as proposed or conditioned would not impair the function or utility of the site for current or subsequent reproductive display, including daytime loafing/staging activities.</p> <p><b>Modification:</b> The NSO area may be modified in extent, or substituted with a timing limitation, by the Field Manager if an environmental analysis finds that a portion of the NSO area is nonessential to site utility or function or that the proposed action could be conditioned so as not to impair the function or utility of</p>

Type of Stipulation	Seasonal Stipulation	Areas Where Stipulations Apply	Exception, Modification, Waiver
			<p>the site for current or subsequent reproductive display, including daytime loading/staging activities. The stipulation may also be modified if the proponent, BLM, State wildlife agency, and where necessary, other affected interests, negotiate compensation that satisfactorily offsets anticipated impacts to sage grouse breeding activities and/or habitats.</p> <p><b>Waiver:</b> This stipulation may be waived if, in cooperation with the State wildlife agency, it is determined that the site has been permanently abandoned or unoccupied for a minimum of 5 years; site conditions have changed such that there is no reasonable likelihood of site occupation for a subsequent minimum period of 10 years.</p>
<p>Sage Grouse Nesting Habitat. This area encompasses suitable sage grouse nesting habitat associated with individual leks. This stipulation will not take effect until direct and indirect impacts to suitable nesting cover exceeds 10 percent of the habitat available within 2 miles of the identified leks. Further development after this threshold has been exceeded, will not be allowed from April 15 through July 7. (Development can occur until 10 percent of the habitat associated with a lek is impacted, from then on, additional activity can occur from July 8 through April 14.)</p>		<p>Sage Grouse Nesting Habitats.</p>	<p><b>Exception:</b> The Field Manager may grant an exception if an environmental analysis and consultation with the State wildlife agency indicates that the proposed action could be conditioned so as not to affect next attendance, egg/chick survival, or nesting success. An exception could also be granted if the proponent, BLM, and State wildlife agency negotiate compensation that would satisfactorily offset the anticipated losses of nesting habitats or nesting activities. Actions designed to enhance the long-term utility or survivability of suitable habitat may be exempted.</p> <p><b>Modification:</b> The Field Manager may modify the size or the timing limitation area if an environmental analysis indicates the proposed action could be conditioned so as no to affect nest attendance, egg/chick survival, or nesting success. Timeframes may be modified if operations could be conditioned to allow a minimum of 70 percent of nesting attempts to progress through hatch.</p> <p><b>Waiver:</b> This stipulation may be waived if the State wildlife agency determines that the described lands are incapable of serving the long-term requirements of sage-grouse nesting habitat and that these ranges no longer warrant consideration as components of sage-grouse nesting habitat.</p>

Best Management Practices

Type of Stipulation	Seasonal Stipulation	Areas Where Stipulations Apply	Exception, Modification, Waiver
Surface disturbing proposals involving construction on slopes greater than 20% would include an approved erosion control strategy, topsoil segregation/restoration plan, and would be properly surveyed and designed by a certified engineer and approved by BLM prior to construction and maintenance.	Year long	Field Office Wide	<p><b>Exception:</b> If after an environment analysis the authorized officer determines that it would cause undue or unnecessary degradation to pursue other placement alternatives surface occupancy in the NSO area may be authorized. Additionally a plan would be submitted by the operator and approved by BLM prior to construction and maintenance and include:</p> <ul style="list-style-type: none"> <li>▪ An erosion control strategy</li> <li>▪ GIS modeling</li> <li>▪ Proper survey and design by a certified engineer.</li> </ul> <p><b>Modification:</b> Modifications also may be granted if a more detailed analysis, i.e. Order I, soil survey conducted by a qualified soil scientist finds that surface disturbance activities could occur on slopes greater than 20% while adequately protecting areas from accelerated erosion.</p> <p><b>Waiver:</b> None.</p>
660-foot buffer of no surface occupancy around natural springs.	Year long	Field Office Wide	<p><b>Exception:</b> An exception could be authorized if: (a) there are no practical alternatives (b) impacts could be fully mitigated, or (c) the action is designed to enhance the riparian resources.</p> <p><b>Modification:</b> Spatial</p> <p><b>Waiver:</b> None.</p>
Buffer zones of no surface disturbance or no surface occupancy (excluding fence lines) would be required in areas equal to the 100-year floodplain or 100m (330 feet) on either side from the centerline, whichever is greater, along all perennial streams.	Year long	Field Office Wide	<p><b>Exception:</b> An exception could be authorized if: (a) there are no practical alternatives (b) impacts could be fully mitigated, or (c) the action is designed to enhance the riparian resources.</p> <p><b>Modification:</b> Spatial</p> <p><b>Waiver:</b> None.</p>
Cultural resources inventories (including point, area, and linear features) would be required for all federal undertakings that could affect cultural resources or historic properties in areas of both direct and indirect impacts.	Year long	Field Office Wide	<p><b>Waiver of Inventory</b></p> <ul style="list-style-type: none"> <li>• Although complete Class III inventories would be performed for most land use actions, a field manager could waive inventory for any part of an Area of Potential Effect when one or more of the following conditions exist:</li> <li>•</li> <li>• Previous natural ground disturbance has modified the surface so extensively that the likelihood of finding cultural properties is negligible. (Note: This is not the same as being able to document that any existing sites may have been</li> </ul>

Type of Stipulation	Seasonal Stipulation	Areas Where Stipulations Apply	Exception, Modification, Waiver
			<p>impacted by surface disturbance; ground disturbance must have been so extensive as to reasonably preclude the location of any such sites.)</p> <ul style="list-style-type: none"> <li>• Human activity within the last 50 years has created a new land surface to such an extent as to eradicate locatable traces of cultural properties.</li> <li>• Existing Class II or equivalent inventory data are sufficient to indicate that the specific environmental situation did not support human occupation or use to a degree that would make further inventory information useful or meaningful.</li> <li>• Previous inventories must have been conducted according to current professionally acceptable standards.</li> <li>• Records must be available and accurate, and must document the location, methods and results of the inventory.</li> <li>• Class II "equivalent inventory data" should include an adequate amount of acreage distributed across the same specific environmental situation that is located within the study area.</li> <li>• Inventory at the Class III level has previously been performed, and records documenting the location, methods, and results of the inventory are available. Such inventories must have been conducted according to current professionally acceptable standards.</li> <li>• Natural environmental characteristics are unfavorable to the presence of cultural properties (such as recent landslides or rock falls).</li> <li>• The nature of the proposed action is such that no impact can be expected on significant cultural resources.</li> <li>• Conditions exist which could endanger the health or safety of personnel, such as the presence of hazardous materials, explosive ordnance, or unstable structures.</li> </ul>
An assessment of fossil resources would be required on a case-by-case basis, mitigating as necessary before and/or during surface disturbance.	Year long	Field Office Wide	<p><b>Exception:</b> Exception may be granted by AO if area has previously been inventoried and assessment completed.</p> <p><b>Modification:</b></p> <p><b>Waiver:</b></p>